EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

APPLIED UNDERWRITERS, INC., and APPLIED RISK SERVICES, INC.,) CASE NO	-
Plaintiffs,))	
vs.)	
COMBINED MANAGEMENT, INC., and Does 1 Through 10, Inclusive) AFFIDAVIT OF) ROBERT L. MURCH)	
Defendants.)	

I, Robert L. Murch, hereby depose and say under oath:

- 1. I am the President of Combined Management, Inc. ("CMI").
- 2. CMI is an outsourced human resource company.
- 3. In my capacity as President of CMI, I oversaw the procurement of workers compensation coverage for fiscal years 2002 and 2003, including the selection of and negotiation with the relevant coverage provider.
- 4. At the time I procured said workers compensation coverage, Virginia Surety

 Company, Inc. ("VSCI") was one of the insurance carriers registered with the Maine Bureau of

 Insurance to sell workers compensation insurance in the State of Maine.
- 5. Due to a variety of business-related factors, CMI decided to select VSCI to provide said coverage to CMI and its client employees on a master policy basis for the policy period of March 29, 2002 through May 2, 2003. It was my understanding at the time that VSCI was a Chicago, Illinois based company that was doing business in the State of Maine. I conducted all of these negotiations in Maine, by telephone and/or via mail. At no time did I travel to VSCI to discuss these issues.

- 6. On or around the time CMI selected this coverage, I was informed that Applied Risk Services, Inc. ("Applied") would be the producer a/k/a broker of the aforementioned policy as the agent for VSCI. At the time, Applied was registered with the Maine Bureau of Insurance to sell workers compensation insurance in the State of Maine on behalf of various insurance carriers, as was Carl DeBarbrie of Applied.
- 7. The initial contact between Applied and CMI was a telephone call from Carl
 DeBarbrie of Applied to CMI. Up until after the point at which an agreement between Applied and
 CMI was reached, all substantive contacts between the parties were initiated by Applied.
- 8. Prior to the commencement of coverage, Carl DeBarbrie of Applied provided CMI with a proposal illustrating how premiums were to be paid and calculated. CMI agreed to the premium and calculation method proposed by Applied, on behalf of VSCI. However, no written agreement was executed by the parties. I conducted all of these negotiations in Maine, by telephone and/or via mail. At no time did I travel to Applied to discuss these issues.
- 9. During the coverage period CMI paid the agreed upon monthly premium on a timely basis. The relationship between CMI and Applied terminated when the one-year coverage period ended.
- 10. Approximately six months after the coverage period ended, Applied as part of a carrier agent's standard operating procedure in the industry retained the services of a premium audit company to audit the payroll and premium paid by CMI. The results of the audit were that CMI had correctly reported payrolls and remitted the proper amount of premium during the coverage period.
- 11. No CMI employee or representative has ever been to California for any business purpose associated with procuring workers compensation insurance for the coverage period referenced in this affidavit, or for any related reason. CMI's contacts with California were limited to 2

communications by telephone and by mail from Maine to Carl DeBarbrie and Gerry Macchello (and possibly others near the end of the policy period), who I understand operated out of San Francisco.

- 12. CMI is a Maine based company with Maine based clients. CMI does not regularly conduct business outside the State of Maine. Nor, to the best of my knowledge, has CMI ever conducted business in the State of California.
- 13. On May 1, 2003, Gerry Macchello of Applied faxed to Kevin Kilcoyne a Notice of Workers Compensation Insurance that had been sent to the Maine Workers Compensation Board on behalf of CMI. See Ex. 1 hereto.

Dated this 5th day of October, 2007

Robert L. Murch

STATE OF MAINE CUMBLERAND, ss.

October 5, 2007

Personally appeared the above-named Robert L. Murch and gave oath that the foregoing statements made by him are true and are based on his personal knowledge.

Before me,

Notary Public/Attorney at Law

DEBORAH A. LaPERLE
Notary Public - State of Maine
My Commission Expires May 3, 2014

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APPLIED10

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Home Office 5 Thomas Mellon Circle, San Francisco, CA 94134 Phone: (415)656-5000 Fax: (415)508-1771

Gerry Macchello, Director of Underwriting

To:	Kevin Kilcoyne	: Co:
Fex:	770-338-5440	Pages: 4
Phone:		Date: 5/1/2003
Re		
Kevin:		
Here is	the form filed today	th Lisa Batchelder at the Maine Workers Compensation Board.
	a, since this was a na coffice and our cove	al expiration of coverage (not a mid-term cancellation) we simply need to file this form the expiration date remains 4/29/03.
		[!
Regards		
	(acchello Underwriters	!
GATA	1	ij

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NOTICE OF WORKERS' COMPENSATION INSURANCE

STATE OF MAINE WORKERS' COMPENSATION BOARD 27 STATE HOUSE STATION AUGUSTA, MAINE 04333-0027

1.	NAME OF INSURER	Combined Specialty Ins. Co. ADDRESS: 1000 Milwanker Avenue, Glenview, IL. 6002	
2.	UIAN (STATE TAX	PEIN (PEDERAL TAX #):36.3186541 NCCI #: 19879	
3.	Complete name and at	ess of employer as shown on policy. (Must show correct trade name or corporate name as	
	registered with proper	thority) Plense use additional sheets if necessary.	
	MAINE EMPLOYER	ME (DBA): COMBINED MANAGEMENT, INC.	
	ADDRESS: 67 Mino	venue. Aubura. ME 04210	
4,	OWNER'S NAME: R	rt Murch ADDRESS: 67 Minot Avenue, Auburn, ME 04213	
5.	NEW R		
		X	
6.	DATE OF COVERAG	FROM: 03/29/02 TO: 03/29/03	
	This coverage remains Compensation Board if	affect in accordance with this filing until the company notifies the Maine Workers' such coverage is terminated by cancellation pursuant to the provisions of the Act.	
7.	POLICY NUMBER: 0	-00010554	
8.	INDIVIDUAL CO-PAF	ERSHIP CORPORATION ESTATE ASSOCIATION MUNICIPALITY OTHER	
9	ALL LOCATIONS IN	UNE WITH COVERAGE: All locations in Maine	
10.	NATURE OF BUSINE	COVERED BY THIS POLICY (LIST TYPE OF BUSINESS - NO CODES):	
	Leasing Company		
11	3 Programme 2 Prog		
		DATE OF MAILING:	
	Please note that coverag		
	REASON:		
		cy expiration date, CANCELLATION NOTICE DOES NOT NEED to be sent to the Board	
12.	ì	REINSTATEMENT	
		DATE:	
	This is to inform you of the	withdrawal of termination notice which was to have been effective on	
13.		ENDORSEMENT	
	EFFECTIVE DATE: 0	9/03 DATE: 05/01/03	
It is a	t is agreed that as of the effece e date hereof policy is amended as follows:		
	y Extension from 3/29/09	4/29/03 - Pol.cy Number 015-00010772.	
WCB-I	a (\$/9G)	i.	
		I	
	;	}	